



THE CITY OF NEW YORK
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October 15, 2014

BY ECF

Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Joseph Barone v. United States of America, et al.,
12 CV 4103 (LAK)(MHD)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, assigned to the defense of the City of New York and the New York City Police Department (collectively "City Defendants") in the above-referenced matter. On August 21, 2014, Magistrate Judge Dolinger recommended that the action be dismissed, with leave to replead certain allegations that had not been dismissed with prejudice. (Court Order, Civil Docket Sheet, Entry No. 47). On September 10, 2014, Your Honor adopted Judge Dolinger's Report and Recommendation in its entirety, and ordered plaintiff to file an amended complaint by no later than October 10, 2014. (Court Order, Civil Docket Sheet, Entry No. 48). Your Honor further denied plaintiff's attempts to secure additional time to file the amended complaint. (Court Order, Civil Docket Sheet, Entry No. 50).

This Office respectfully informs the Court that plaintiff filed an amended complaint in this matter on October 10, 2014, and no claims remain with regard to the City of New York, the New York City Police Department, or any John Doe NYPD police officers. (Court Order, Civil Docket Sheet, Entry No. 51). Accordingly, unless otherwise instructed by the Court, this office will take no further action in this matter and respectfully requests that the Clerk of the Court terminate these individuals and entities from the Docket Sheet as parties.

As plaintiff failed to file an amended complaint naming any City entity or employees as defendants, plaintiff has abandoned his claims against the City of New York and any City defendants. This office therefore respectfully requests that the Clerk of the Court terminate those parties as defendants.

Respectfully submitted,

/s/

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